IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

RCRev..No. 439 of 2006

RCA.29/2003 of RENT CONTROL APPELLATE AUTHORITY, THALASSERY
RCP.82/2001 of ADDLRENT CONTROL COURT-IN-CHARGE(ADDLMUNSIFF-IN-CHARGE)KANNUR.

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REVISION PETITIONERS/2ND RESPONDENTS& APPELLANTS:
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1. K.MOIDEEN, FATHER'S NAME
SULAIMAN, AGED 55, PALAKKAD LINE, BEACH ROAD,
KANNUR CITY, KANNUR.

2. K.ASIYA, D/O.SULAIMAN, AGED 53 YEARS,
HAJEE LINE, NEERCHAL MARKET, KANNUR-3.

BY ADV. SRI.V.RAMKUMAR NAMBIAR

RESPONDENTS: RESPONDENT/PETITIONER:

KOTTATHALAYANTAKATH AYISSAKUNHI,
D/O.ABDULLA HAJEE, KANNUR-1 AMSOM,
NEERCHAL EAST WARD, KANNUR-3.

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.A.ABDUL GAFOOR &

K.R. UDAYABHANU, JJ.

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R.C.R.NO. 439 OF 2006

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DATED THIS THE 15TH DECEMBER 2006

JORDER

Udayabhanu, J.

The revision petitioners are the tenants, who are under orders of eviction as found by the courts below concurrently with respect to grounds under Sections 11(3) and 11(4)(i) of the Kerala Buildings(lease and Rent Control) Act, 1965 (Act 2 of 1965). When the petition came up for admission, counsel for the revision petitioner/tenant conceded and submitted that the tenant may be granted six months time to surrender vacant possession of the premises. The above submission appears reasonable. On a consideration of the judgment of the courts below, we find no reason to interfere also. In view of the above unconditional undertaking made by the learned counsel for the revision petitioner/tenant, it is hereby ordered that the revision petitioner/tenant shall surrender vacant possession of the premises within six months from today

on condition that he shall remit the entire arrears of rent, if any, and continue to pay the rent due further and file an affidavit before the execution court to the above effect. The Rent Control Revision is disposed of accordingly.

Sd/-
K.A.ABDUL GAFOOR
JUDGE

Sd/-
K.R.UDAYABHANU,
JUDGE

ks. **TRUE COPY**

P.S.TO JUDGE